

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

ORDER
13-CR-113-A

v.

JOSE L. OLIVERO, Jr.,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1) for pretrial proceedings. On October 8, 2013, Magistrate Judge Scott filed a Report and Recommendation, Dkt. No. 26, recommending that defendant Olivero's motion to suppress oral statements be denied. On the same date, the Magistrate Judge entered a Decision and Order, Dkt. No. 27, that denied defendant's omnibus motions for discovery, a bill of particulars, and informant-identity disclosure.

Defendant Olivero filed objections to the Report and Recommendation and an appeal of the Decision and Order on December 3, 2013. After briefing closed, the Court heard oral argument of the objections and the appeal on January 23, 2014.

The Court has reviewed the Report and Recommendation, the record in this case, including the pleadings and materials submitted by the parties, and has carefully considered the arguments presented by the parties under the *de novo* standard of review. Pursuant to 28 U.S.C. § 636(b)(1)(A), and for the reasons set forth in

Magistrate Judge Scott's Report and Recommendation, the Court adopts the proposed findings of the Report and Recommendation and denies defendant's motion to suppress.

The Court has also reviewed the Decision and Order, the record, including the pleadings and materials submitted by the parties, and has carefully considered the arguments presented by the parties under the clearly erroneous or contrary to law standard of review. Pursuant to 28 U.S.C. § 636(b)(1)(B), the appeal is denied and the Decision and Order is affirmed.

The parties shall appear on Tuesday, February 25, 2014 at 12:00 p.m. to set a date for trial.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

Dated: February 24, 2014